

**Before
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Corr Wireless Communications, LLC)	CC Docket No. 96-45
)	
Petition for Designation as an)	
Eligible Telecommunications Carrier)	
)	

**SUPPLEMENTAL REPLY COMMENTS OF
CORR WIRELESS COMMUNICATIONS, LLC**

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Dated: June 9, 2004

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Corr Wireless Communications, LLC (“Corr Wireless” or “Company”), pursuant to the Federal Communications Commission’s (“FCC’s” or “Commission’s”) *Public Notice*¹ in the above-referenced proceeding and the Extension of Time granted by the Commission on June 3, 2004,² hereby responds to comments filed by Verizon³, three CenturyTel entities⁴ and TDS Telecommunications Corp.⁵, (“TDS”) regarding the Company’s Petition for Designation as an Eligible Telecommunications Carrier.⁶ These comments supplement the reply comments filed by Corr Wireless on June 4, 2004 (the “Reply Comments”) in response to comments filed by a coalition of Alabama rural local exchange carriers⁷ (the “Rural LECs”). Due to delays in the

¹ *Parties Are Invited to Update the Record Pertaining to Pending Petitions for Eligible Telecommunications Carrier Designations*, Public Notice, DA 04-999 (rel. Apr. 12, 2004).

² *Due Date Extended for Reply Comments Concerning Supplemented Petitions for eligible Telecommunications Carrier Designations*, Public Notice, DA 04-1628 (rel. June 3, 2004).

³ Comments of Verizon, CC Docket 96-45, filed May 28, 2004.

⁴ Comments of CenturyTel of Alabama, LLC, CenturyTel of Eagle, Inc. and CenturyTel, Inc., CC Docket 96-45, filed May 28, 2004 (collectively, “CenturyTel”).

⁵ Comments of TDS Telecommunications Corp., CC Docket 96-45, filed May 28, 2004.

⁶ Petition of Corr Wireless Communications, LLC for Designation as an Eligible Telecommunications Carrier, CC Docket 96-45, filed May 13, 2003 (the “Petition”), *supplemented by* Supplement of Corr Wireless Communications, LLC Petition for Designation as an Eligible Telecommunications Carrier, filed May 14, 2004 (the “Supplement”).

⁷ Comments of the Alabama Rural Local Exchange Carriers to the Supplement of Corr Wireless Communications, LLC, CC Docket 96-45, filed May 28, 2004 (“Rural LECs Comments”).

Commission's Electronic Comment Filing System, comments other than those filed by the Rural LECs were not previously available to Corr Wireless.

I. TDS's Concern Regarding the Crossville and Grayson Wire Centers Was Addressed By Corr In Its Reply Comments.

The entirety of TDS's comments is that two wire centers within the service area of Peoples Telephone Company, namely Crossville and Grayson, were not identified in Corr Wireless's supplement. As identified in Corr's Reply Comments, this omission was in error and has been corrected.⁸

TDS also states that it reserves the right to comment later on the public interest of the Corr Petition, as supplemented. While Corr Wireless believes that it has adequately demonstrated that its Petitions, as supplemented, satisfies the public interest standard articulated by the Commission in its *Virginia Cellular* case,⁹ to the extent that TDS files additional comments after the comment cycle has ended, Corr Wireless reserves the right to respond to any such filings.

II. Verizon Does Not Address The Merits of the Corr Wireless Petition.

Verizon and CenturyTel offer comments not against the Corr Wireless Petition specifically, but rather, against ETC applications generally. CenturyTel at least references the Corr Petition in the introduction of its Comments;¹⁰ whereas, Verizon does not mention the Corr Wireless Petition. Neither CenturyTel nor Verizon, however, offers any specific analysis of the merits of the Corr Wireless Petition, and thus should be accorded no weight in analyzing the Corr Wireless Petition.

As noted by Corr Wireless in its Reply Comments, the Rural LECs invented a new legal standard for review in arguing that all ETC applications should be handled collectively in a given

⁸ Reply Comments, at 7.

⁹ *Federal-State Joint Board on Universal Service; Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*, CC Docket No. 96-45, Memorandum Opinion and Order, FCC 03-338, (rel. Jan 22, 2004) ("*Virginia Cellular*").

state, regardless of the merits of a petition for a particular study area in a state. Verizon takes this theory to its absurd conclusion, arguing that the CALLS program, and the USF will be overly burdened by the grant of ETC petitions. Verizon reaches this conclusion with references solely to Sprint's pending ETC petition, and without a single reference to Corr Wireless's Petition. As Corr Wireless noted in its Reply Comments, the standard established by the Commission in *Virginia Cellular* is to review the public interest of each petition on its own fact-intensive inquiry.¹¹ Because Verizon fails to specifically address any of the facts in the Corr Wireless Supplement, they should be given no weight as the Commission is considering the Corr Wireless Petition.

Similarly, Verizon argues that carriers applying in non-rural areas must meet the public interest standard in *Virginia Cellular*. While Corr Wireless takes no position on this reading of *Virginia Cellular*, Corr Wireless notes the Supplement identifies specifically the public interest benefits of its Petition,¹² in all areas covered by the Petition, including the non-rural areas covered by the Petition, which are served by CenturyTel. Thus, should the Commission accept Verizon's reading of *Virginia Cellular*, Corr Wireless submits that it already has demonstrated the public interest benefits of its Petition in the applicable non-rural areas.

Verizon's last concern is "rural cream skimming" caused by ETC applicants who do not intend to extend their existing service area. Corr Wireless notes, that it has submitted construction plans to expand its service area within the areas covered by the Petition¹³. Verizon's comments thus offer no evidence of even the remotest possibility of "cream skimming" by Corr Wireless in the areas affected by the Petition. Again, as Verizon fails to address the merits of the Corr Wireless Petition specifically, they should be accorded no weight in the consideration of the Petition.

¹⁰ CenturyTel Comments, at 1.

¹¹ Reply Comments, at 4, 6; *Virginia Cellular*, at ¶ 28.

III. CenturyTel Does Not Address The Merits of the Corr Wireless Petition.

Similar with the Verizon comments, CenturyTel does not specifically address the Corr Wireless Petition. While CenturyTel does, at least, identify the Corr Wireless Petition by name, it does not offer specific commentary on the merits of the Corr Wireless Petition. As such, many of the CenturyTel comments appear nonsensical when applied to the Corr Wireless Petition.

CenturyTel argues that the Commission should apply the rural public interest standard to its non-rural study areas. Yet, Corr Wireless does provide a singular public interest analysis for its Petition, regardless of whether an area is rural or non-rural. As much of the area covered under the Petition is rural, the limited non-rural areas, served by CenturyTel, are also analyzed under the rural standard articulated by the Commission. Thus, CenturyTel's comment that their service areas should be considered rural for the purpose of conducting a public interest analysis, is irrelevant to the consideration of the Corr Wireless Petition. The Supplement clearly demonstrates that Corr Wireless meets the rural standard for analyzing public interest benefits. Thus, as noted in *Virginia Cellular*, Corr Wireless can certainly meet the presumably lower non-rural standard.¹⁴ Thus, regardless of the standard applied by the Commission to the CenturyTel service areas, Corr Wireless has clearly articulated that its Petition is in the public interest under the Commission's recently established standards.

IV. Conclusion

As noted in its Reply Comments, with the submission of the Supplement, Corr Wireless has demonstrated that it meets all the requirements for ETC designation under the framework established by the Commission in its *Virginia Cellular* Order. The comments from CenturyTel and Verizon offer no new specific analysis of the Corr Wireless Petition. To the extent that either addresses general concerns regarding the Commission's treatment of ETC petitions, these

¹² Supplement, at 9-13.

¹³ Supplement, at 5-7.

comments offer little analysis that is not articulated in the Rural LEC comments previously addressed by Corr Wireless in its Reply Comments, which are hereby incorporated by reference. To the extent that either the Verizon or CenturyTel comments offer a slightly different spin on the Commission's ETC designation requirements, neither directly addresses the merits of the Corr Wireless Petition and should thus be accorded little or no weight in the Commission's analysis of the Corr Wireless Petition. The final set of comments, from TDS, addresses the inadvertent omission of two wire centers in the Corr Wireless Supplement in the study area of People Telephone Company. This omission was corrected in the Reply Comments. As none of the additional comments identified here offer any new analysis regarding the Corr Wireless Petition, Corr Wireless reiterates its desire for the Commission to grant its Petition without further delay.

Respectfully submitted,

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¹⁴ *Virginia Cellular*, at ¶ 27.